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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,340	06/25/2002	Manfred Weuthen	C2065 PCT/US	9203
23657	7590	04/02/2004	EXAMINER	
COGNIS CORPORATION PATENT DEPARTMENT 300 BROOKSIDE AVENUE AMBLER, PA 19002			DOUYON, LORNA M	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/088,340	Applicant(s) WEUTHEN ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/8/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Marsh et al. (US Patent No. 4,076,800), hereinafter “Marsh”.

Marsh teaches a composition for protecting keratinous material from the deleterious effects of detergent and other harsh materials and from adverse climatic conditions, the composition comprising a foaming, non-cationic detergent material and a chemically modified protein (see col. 2, lines 4-19). Marsh, in Example XV, teaches a granular detergent composition which is prepared by mixing the following composition: 6 wt% sodium linear dodecyl sulfonate, 4 wt% sodium tallow alkyl sulfate, 2.5 wt% sodium soap, 1.5 wt% coconut monoethanolamide, 10 wt% sodium tripolyphosphate, 7 wt% sodium silicate, 0.5 wt% sodium carboxymethyl cellulose, 8 wt% sodium perborate, and 4 wt% modified protein (see col. 16, lines 44 to last line), the silicate, sodium carboxymethyl cellulose and perborate being considered as the disintegrating agents. Marsh also teaches preparing the compositions in bar form (see abstract). Marsh teaches the limitations of the instant claims. Hence, Marsh anticipates the claims.

3. Claims 11-14, 18-24 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Sayers et al. (US Patent No. 3,594,324), hereinafter “Sayers”.

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Sayers teaches a detergent composition in granular, flake, liquid or tablet forms (see col. 4, lines 20-23) which comprises from about 5% to about 30% detergent which include anionic, nonionic, zwitterionic synthetic detergents and mixtures thereof (see col. 2, lines 11-15), from about 15% to about 55% builder, from about 3% to about 15% sodium silicate, from about 0% to about 50% of a filler, and from about 0.25% to about 3.00% soil anti-redeposition agent (see col. 5, lines 56-69) which is composed of mixtures of carboxymethylcellulose (CMC) and animal glues in weight ratio of CMC to animal glue or gelatin within the range of from about 5%/95% to about 95%/5% (see col. 5, lines 16-23). In Example D, Sayers teaches a detergent composition comprising 20 wt% Ultrawet K-90, a sodium linear alkylate sulfonate anionic detergent of the linear dodecylbenzene type, 5 wt% sodium tripolyphosphate, 1 wt% sodium carboxymethylcellulose:animal glue (50%:50%) and 5 wt% sodium metasilicate, (see Table I under col. 6), the composition being free of cationic detergent and the carboxymethylcellulose and sodium metasilicate being considered as the disintegrating agents. Sayers teaches the limitations of the instant claims. Hence, Sayers anticipates the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 15-17 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayers as applied to the above claims.

Sayers teaches the features as described above. As above, Sayers teaches from about 0.25% to about 3.00% soil anti-redeposition agent (see col. 5, lines 56-69) which is composed of mixtures of carboxymethylcellulose (CMC) and animal glues in weight ratio of CMC to animal glue or gelatin within the range of from about 5%/95% to about 95%/5% (see col. 5, lines 16-23). In addition, Sayers teaches that the builder mixture which comprises from about 15% to about 55%, comprises an inorganic water-soluble, alkaline, condensed polyphosphate builder in combination with a watersoluble alkali metal salt of NTA with a molar ratio of STP to SNTA of 4:1 to 1:4 (see col. 4, lines 24-64). Sayers, however, fails to specifically disclose the proportions of the animal glues and phosphates in amounts as those recited.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the proportions of the animal glues and phosphates of Sayers through routine experimentation for best results. As to optimization results, a patent will not be granted

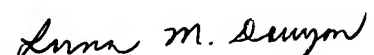
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based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the *prima facie* case of obviousness. See *In re Boesch*, 617 F.2d 272, 276, 205 USPQ 215, 219 (CCPA 1980). See also *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir. 1990), and *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). In addition, a *prima facie* case of obviousness exists because the claimed ranges "overlap or lie inside ranges disclosed by the prior art", see *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976); *In re Woodruff*, 919 F.2d 1575, 16USPQ2d 1934 (Fed. Cir. 1990). See MPEP 2131.03 and MPEP 2144.05I.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LORNA M. DOUYON
PRIMARY EXAMINER